

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

BENJAMIN KARL RAY BUNTON,

Plaintiff,

v.

KEVIN SMITH, et al.,

Defendants.

Case No. 1:23-cv-00211-JLT-SAB

ORDER SETTING PLAINTIFF'S MOTION  
TO WITHDRAW AS COUNSEL TO  
JANUARY 21, 2026, AND DIRECTING  
DEFENDANTS TO FILE OPPOSITION OR  
STATEMENT OF NON-OPPOSITION

(ECF Nos. 84, 86)

On December 16, 2025, counsel Nicholas B. Enger, attorney for Plaintiff, filed an emergency motion to withdraw as counsel. (ECF No. 84.) The Court observes that counsel did not set a hearing date in the motion as required under Local Rule 230(b). Subsequently, William F. Sulton, appearing *pro hac vice*, filed a motion to withdraw as counsel of record for Plaintiff and noticed the motion for hearing on January 21, 2026. (ECF No. 86.)

Accordingly, it is **HEREBY ORDERED** that the hearing on Attorney Enger's motion to withdraw as counsel shall be set for **January 21, 2026, at 10:00 a.m. in Courtroom 9**. Upon further review, it appears that Attorney Enger has not complied with Local Rule 182(d), which requires that "[t]he attorney shall provide an affidavit stating the current or last known address or addresses of the client and the efforts made to notify the client of the motion to withdraw." L.R. 180(d). Counsel is advised to consult Rule 182(d) and cure this deficiency **no later than Friday**,

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**December 19, 2025.** Defendants are DIRECTED to file an opposition or statement of non-opposition in compliance with Local Rule 230(c).

IT IS SO ORDERED.

Dated: **December 16, 2025**

A handwritten signature in blue ink, appearing to read "Stanley A. Boone", is written over a horizontal line.

STANLEY A. BOONE  
United States Magistrate Judge